

come first. Government is not the author or the source of our rights, and this conviction matters for today's conversations. In fact, this conviction is our Constitution.

No King, no Congress, no Senate, no Commission gives our people their rights, for government is not the author or source of rights. Government is a tool to secure our rights.

We have rights because we are people, created with dignity. Government is that shared project to secure those rights that we have because we are people created with dignity. So we the people are the ones who actually give the government limited authorities. It is not the government that is condescending to grant us some rights.

Gail Heriot, who is a member of the Commission, offered a compelling statement and a healthy rebuttal to the majority's very low view of religious freedom. Thankfully, Ms. Heriot indicated her opposition to the runaway chairman's bizarre dismissal of religious freedom. She considered asking him to withdraw it, but then she decided against it, and here is her reason why. She decided:

It might be better for Christians, people of faith generally, and advocates of limited government to know and understand where they stand with him—

Where they stand with this chairman. Ms. Heriot notes—and I am going to quote her here at length:

The conflicts that can arise between religious conscience and the secular law are many and varied. Some of the nation's best legal minds have written on how the federal and state governments should resolve those conflicts. But no one has ever come up with a systematic framework for doing so—at least not one that all Americans agree on—and perhaps no one ever will. Instead, we have been left to resolve these issues that arise on a more case-by-case basis.

While she does not aim to create that framework in her remarks, she continues by saying:

The bigger and more complex government becomes, the more conflicts between religious conscience and the duty to comply with law we can expect.

Back when the Federal Government didn't heavily subsidize both public and private higher education, when it didn't heavily regulate employment relationships, when it didn't have the leading role in financing and delivering healthcare, we didn't need to worry nearly so much about the ways in which conflicts with religious conscience and the law arise. Nobody thought about whether the Sisters of Charity should be given a religious exemption from the ObamaCare contraceptive mandate, because there was no Obamacare contraceptive mandate. The Roman Catholic Church didn't need the so-called Ministerial Exemption to Title VII in order to limit ordinations to men (and to Roman Catholics), because there was no Title VII.

What she is talking about here is about the ways that expanding government tends to crowd out civil society and mediating institutions. She is talking about the ways that power drives out persuasion. She is talking about the ways that law crowds out neighborliness.

She continues:

The second [. . .] comment I will make is this: While the targeted religious accommodations approach may sometimes be a good idea, it is not always the best strategy for people of faith. Targeted religious accommodations make it possible for ever-expanding government bureaucracies to divide and to conquer. They remove the faith-based objections to their expansive ambitions, thus allowing them to ignore objections that are not based on faith. The bureaucratic juggernaut rolls on. People of faith should not allow themselves to become just another special interest group that needs to be appeased before the next government expansion is allowed to proceed.

Here, she is talking people of faith.

They have an interest in ensuring the health of the many institutions of our civil society that act as counterweights to the state—including not just the Church itself, but also the family, the free press, small business and others. They have an interest in ordered liberty in all its manifestations. A nation in which religious liberty is the only protected freedom is a nation that soon will be without religious liberty as well.

Are people of faith simply another special interest group that should be appeased? I suggest—along with Ms. Heriot and, frankly, far more importantly, with all of the Founders of this Nation—they are not. People of faith and people of no faith at all, people of conscience, are simply exercising their humanity, and they do not need the government's permission to do so.

The Commission's report is titled "Peaceful Coexistence." Who wants to disagree with a title like that? But this profession of peaceful coexistence must never quietly euthanize religious liberty just because Washington lawyers and bureaucrats find it convenient and orderly to do so. It must never be used to chip away at our most fundamental freedom, for the First Amendment is a cluster of freedoms: freedom of religion, the press, assembly, and speech. They all must go together. It must never undermine the essence of what it means to be human. It must never erode the American creed, which should be uniting us. We can and we should disagree peaceably. We should argue and debate and seek to persuade. We should jealously together be seeking to defend every right of conscience and self-expression.

In closing, I ask my colleagues from both parties—for this should not be a partisan issue, as the First Amendment is not the domain of any political party—to consider the dangerous implications of this new report.

To my progressive friends, I invite you to become liberals again in your understanding of religious liberty and its merits.

To my conservative friends, let's cheerfully celebrate all Americans' freedoms. Let's work to kindly dismantle the pernicious myth that somehow your freedoms are merely a cover for fear or hate or some other phobia. These freedoms are too important to relinquish. They are the essence of what we share together as Americans.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. GARDNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NORTH KOREA

Mr. GARDNER. Mr. President, I rise today to speak about the threat from North Korea.

Pyongyang has just conducted its fifth nuclear test, which is the regime's fourth test since 2009. This is also the regime's second test this year, and this is the largest weapon they have ever tested, with an estimated explosive yield of 10 kilotons of TNT.

The rapid advancement of North Korea's nuclear and ballistic missile program represents a grave threat to global peace and stability and a direct threat to the U.S. homeland in our immediate future.

This past week, since the detonation of this fifth nuclear test, I have had the opportunity to visit with General Robinson, our combatant commander of NORTHCOM, to visit with Ambassador Ahn of North Korea, to speak with Ambassador Sasae of Japan, to visit with Ambassador Fried of the State Department, to talk to representatives at the Treasury Department—all about what is happening in North Korea and our response to the provocative actions, the dangerous actions of this regime as they continue to attempt to obtain nuclear status. All of them are very worried about what is happening.

In my conversations, it was clear that we can expect and anticipate even more tests coming up, whether that is the launch of rockets against international sanctions, U.S. sanctions, the international community, United Nations security resolutions, or whether that is indeed further attempts to test or actual tests of nuclear weapons. They all recognize this will continue. They recognize the dangerous position our allies and our homeland are in.

This morning, there was testimony from the U.S. State Department—Tom Countryman, Assistant Secretary—talking about the fact that these activities continue in North Korea with the assistance of outside actors, that North Korea receives material for its nuclear program from illegal operations in China, operations out of Russia.

So in response to this test and the dangerous actions of North Korea and the conversations I have held across all levels of government this past week, I am asking the administration to urgently take the following actions:

No. 1. Take immediate steps to expand U.S. sanctions against North Korea and those entities that assist the regime—most importantly, China-based entities. We know there are entities within China that are assisting the

North Korean regime, violating U.S. sanctions, and violating United Nations Security Council resolutions. The administration must take immediate steps to expand these sanctions against them and anyone who is violating the regime of sanctions.

No. 2. We must negotiate a new United Nations Security Council resolution that closes loopholes that have allowed China to skip full-faith enforcement. I will talk more about that in a little bit, but the fact is that China is finding exemptions in existing resolutions to skip full-faith enforcement. Why is that important? Because we know that about 90 percent of North Korea's economy—their hard currency—comes from these types of operations and business with China.

No. 3. We must expedite the deployment of the terminal high altitude area defense—THAAD—system in South Korea. We must expedite the THAAD system to make sure South Korea has the ability to protect itself from these aggressive actions taken by the North Korean regime.

No. 4. Take all feasible steps to facilitate a stronger trilateral alliance between the United States, Japan, and South Korea to more effectively counter the North Korean threat. A strong trilateral alliance between Japan, the United States, and South Korea can be used to help China make sure they are enforcing the regulations, standing up to full-faith execution of the sanctions, and make sure we are pushing peaceful denuclearization of the North Korean regime.

It is unfortunate—this aggression in North Korea isn't new. The aggression we see from North Korea today predates the current administration and goes back multiple administrations. Time and time again since I came to the Senate, I have stood before this great body and I have argued that this administration's policy of so-called strategic patience—which was crafted under then-Secretary of State Hillary Clinton—was failing to stop the forgotten maniac in Pyongyang. The regime's nuclear stockpile is growing fast. Nuclear experts have reported that North Korea may have as many as 20 nuclear warheads and has the potential to possess as many as 100 warheads within the next 5 years. The administration has admitted that the policy of strategic patience has failed. It is evident in the fact that they have 100 nuclear warheads coming online in the next several years. But we have gone from a strategy of strategic patience to no strategy at all when it comes to dealing with the North Korean regime.

The regime's ballistic missile capability is rapidly advancing. Director of National Intelligence James Clapper has stated in his testimony to Congress that “North Korea has also expanded the size and sophistication of its ballistic missile force—from close-range ballistic missiles to intercontinental ballistic missiles (ICBMs)—and continues to conduct test launches.”

Director Clapper also stated that “Pyongyang is also committed to developing a long-range, nuclear-armed missile that is capable of posing a direct threat to the United States.”

Assistant Secretary Tom Countryman testified before the Senate Foreign Relations Committee that the activities involved for the construction of this nuclear warhead in North Korea have been indigenized, meaning that it is coming from the industry within North Korea. They are not relying on Pakistan or others to provide it for them; they have the engineering know-how and they have the capabilities to build it on their own, within the country, without turning outside for help. He also said that some material, yes, is coming from China and Russia. And that is exactly what we must stop.

We should never forget that the Kim Jong-un regime has been one of the world's foremost abusers of human rights. The North Korean regime maintains a vast network of political prison camps where as many as 200,000 men, women, and children are confined to atrocious living conditions, where they are tortured, maimed, and killed. This isn't just report language; I have spoken to defectors from North Korea who talk of these political concentration camps where this torture is occurring. On February 7, 2014, the United Nations Human Rights Commission of Inquiry released a groundbreaking report detailing North Korea's horrendous record on human rights. The Commission found that North Korea's actions constituted a “crime against humanity.”

We also know that Pyongyang is quickly developing its cyber capabilities as another dangerous tool of intimidation, an asymmetric tool, demonstrated by its attack on Sony Pictures, the hacking incident that occurred in November of 2014, and the repeated attack on the South Korean financial and communication systems. According to a recent report by the Center for Strategic and International Studies, “North Korea is emerging as a significant actor in cyberspace with both its military and clandestine organizations gaining the ability to conduct cyber operations.” They are trying and striving to achieve an asymmetric capability so that they can attack South Korea, our allies, such as Japan, and, indeed, the United States.

So given this record of aggression from North Korea and fecklessness from this administration—the fact that we went from a failed policy, a strategy of strategic patience to no strategy—the Congress came together this year to pass the North Korean Sanctions and Policy Enhancement Act, legislation I coauthored here in the Senate with my colleague Senator BOB MENENDEZ. This legislation, which President Obama signed into law on February 18, 2016, was a momentous achievement, and for the first time ever, our Congress imposed mandatory sanctions on North Korea. Unfortu-

nately, the administration's implementation of this legislation has been lacking and certainly disappointing. While they have taken some positive steps, such as designating North Korea as a jurisdiction of “primary money laundering concern” and also designating top North Korean officials, including Kim Jong-un, as human rights violators, these actions only scratch the surface of the sanctions authorities provided to the President under the new law.

We know the source of the majority of North Korea's export earnings is the People's Republic of China. Nearly 90 percent of North Korea's trade is with China. Yet, to date, no Chinese entities that are responsible for this 90 percent have been designated for sanctions violations under the new legislation. So while we are trying to keep this regime from continuing to grow a nuclear profile, the entities that are giving them the money and the resources to do it outside of the country haven't faced the sanctions this body authorized earlier this year.

The Wall Street Journal wrote in an editorial on August 18, 2016:

The promise of secondary sanctions is that they can force foreign banks, trading companies and ports to choose between doing business with North Korea and doing business in dollars, which usually is an easy call. . . . But this only works if the U.S. exercises its power and blacklists offending institutions, as Congress required in February's North Korea Sanctions and Policy Enhancement Act. The Obama administration hasn't done so even once.

As the Wall Street Journal further noted, for instance, the administration has not acted on information from the United Nations Panel of Experts Report that the Bank of China “allegedly helped a North Korea-linked client get \$40 million in deceptive wire transfers through U.S. banks.”

Moreover, there is ample evidence of increased North Korean efforts to evade sanctions with help from Chinese-based entities. According to a New York Times report on September 9, 2016, “To evade sanctions, the North's state-run trading companies opened offices in China, hired more capable Chinese middlemen, and paid higher fees to employ more sophisticated brokers.”

This isn't a regime that is facing the full wrath of the sanctions of the United States; this is a regime that has figured out how to use its neighboring countries to cheat to evade sanctions. We need those neighboring nations, which I know also agree in the denuclearization of North Korea, to step up, to stand up and agree to stop the provocations of North Korea by ensuring that we can shut down the money flow, ensuring that we can shut down the supplies, the materials they are using in this nuclear production, make sure they stop providing trade opportunities for hard currency going to North Korea that is feeding a nuclear program, not feeding the people of North Korea.

This behavior can't be tolerated, and the administration now has the tools to punish these actions. It is unacceptable that it has not done so already, despite the will of this body. Passage of our legislation 96 to 0—every Republican and Democrat supported our efforts to impose sanctions on this regime. These latest developments in North Korea show that we are now reaping the rewards for our weak policies. The simple fact is that this administration's strategic patience has been a strategic failure, both with North Korea and with China, and has resulted in no strategy.

As Secretary Ash Carter stated immediately following the latest nuclear test, China shares an important responsibility for this development and has an important responsibility to reverse it. It is important that it use its location, its history, and its influence to further the denuclearization of the Korean Peninsula and not the direction that things have been going. We must now send a strong message to Beijing that our patience has run out and exert any and all effort with Beijing to use its critical leverage to stop the madman in Pyongyang. We must not tolerate this behavior.

The four things that I pointed out at the beginning of this talk are important to secure. Tomorrow I will be sending a letter to the President. Over a dozen Members of this body have signed and agreed to participate in this letter, asking a series of questions about our strategy toward North Korea, about the compliance of China and whether they are living up to the full faith of the United Nations Security Council Resolution 2270.

Are they skirting the resolution? We are encouraging the closure of the livelihood exemption in the Security Council resolution. It talks about Air Koryo and its ability to skirt the sanctions to help secure luxury goods that are banned by the sanctions.

I hope that other colleagues will stand with me as we make sure that we are doing everything we can to stop the actions of a regime that is bent on the destruction of its neighbor South Korea—our great ally. It is bent on the destruction of our allies around the region and certainly intent on finding the capability, the technology to deliver one of those warheads to the U.S. homeland.

This is an important issue for this generation. It is important that this generation act and solve it before the next generation bears the consequences.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

ADDRESSING CRITICAL MATTERS FACING OUR NATION

Mr. REED. Mr. President, today I join many of my colleagues who have come to the floor to implore the leadership and my colleagues on the other

side of the aisle to work with us to address critical matters facing our Nation. From failing to provide the necessary funding to combat the Zika virus and our Nation's opioid epidemic to failing to even consider a candidate for the Highest Court in the land, or legislation to curb gun violence and address college costs and the student debt crisis—we must act on all of these measures, and we must do it promptly.

We are entrusted by the American people to find solutions for difficult, hard-to-fix problems, not to ignore them at almost every turn. I have heard from people of all persuasions, reaching out, urging Congress to take action. So I come here today to remind my colleagues across the aisle, and my colleagues within my caucus, that we all must do our job. That message has come through loud and clear from the American public, and we have to put those words into action.

For more than 8 months, we have seen, for example, the harmful effects of the Zika virus. We have seen its heartbreaking impact on newborns, women, and families and deepened our understanding of the suffering this virus causes. Pregnancies have been lost. We have seen children born with permanent birth defects that could have been avoided. And recently, the Centers for Disease Control and Prevention has said that the disease can enter people's eyes, causing serious vision impairment.

It has been over 6 months since the President requested \$1.9 billion in emergency funding to fight the Zika virus. It has been 4 months since the Senate passed a compromise measure to provide \$1.1 billion for a comprehensive response to Zika and to speed up development of a vaccine by a strong bipartisan vote of 68 to 29.

Instead of the other body passing this measure, the majority in both bodies agreed upon a bill that uses this public health crisis as an opportunity to attack the Environmental Protection Agency and make cuts to the Affordable Care Act, veterans' health care, and other provisions. This approach seeks to drain funds from critical health needs, which have not abated, as a way to pay for the Zika emergency. Indeed, it is an emergency that requires an emergency response.

In light of this failure, the administration shifted all the funds it could to the Zika efforts. As the head of the Centers for Disease Control has noted, these funds are now running out. It is urgent that we pass a measure like the one we already did that gives the public health community the resources it needs to prevent further infections, treat those who have been affected, and develop vaccines to limit future outbreaks.

Unfortunately, Congress has taken a similar approach of delay to the opioid epidemic, severely underfunding efforts to combat this crisis. Like many Americans, I have seen the devastating impact the opioid crisis continues to have

on our Nation. Indeed, since 2010, we have lost more than 1,000 Rhode Islanders to accidental drug overdoses, including more than 230 overdose deaths in 2014—an increase of 73 percent since 2009. Nationally, drug overdoses have exceeded car crashes as the number one injury-related death. Two Americans die of drug overdoses every hour.

Action is urgently called for, and I commend my colleague from Rhode Island, Senator WHITEHOUSE, who spearheaded passage in this body of the bipartisan Comprehensive Addiction and Recovery Act, or CARA. However, CARA provides authority only for a response plan to address this complex challenge; it does not adequately fund this effort. For this law to work, we need real dollars to deliver lifesaving prevention and treatment services. It is critical that we provide robust resources to confront this epidemic and ensure that people have access to the treatment they need. Unfortunately, that has not happened. We cannot fight the opioid crisis with words. We need dollars, as well as words.

Those across the aisle have also fallen short on their responsibility by refusing to hold so much as a hearing on President Obama's nomination of Chief Judge Merrick Garland to the Supreme Court. This body has a constitutional obligation to advise and consent on the President's nominees. When we fail in that obligation, we undermine the stability of our system of justice and endanger Separation of Powers.

Since the stunning announcement by the majority leadership that no hearing would be held on a replacement, the Supreme Court has deadlocked on five major questions of law. These are legal issues that directly impact millions of Americans in terms of labor force protections, business interests, and civil rights. These issues are more important than political gamesmanship, and they need resolution now.

If this obstructionism continues, American families and businesses will face growing legal uncertainty as disputed Federal laws apply differently across States. This damage to our legal system is unprecedented and could take years to undo. I urge my colleagues to do their job and allow a vote on Chief Judge Garland's nomination.

The majority has also thwarted efforts to address the continuing epidemic of gun violence in our country. This year, nearly as many Americans will lose their lives to guns as will be killed in automobile accidents. Sadly, the number of gun deaths continues to grow, fueled by easy access to lethal firearms.

This body could take action to limit the devastation to families in our communities brought about by military-grade firearms that are too easily accessed. It is my hope that through an honest, open dialogue, we can bridge the divide and pass legislation—such as closing the terror gap—in order to keep our families and communities safe from the threat of gun violence.